



27 JUN 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARENT FOX PLLC
1050 Connecticut Avenue, NW
Suite 400
Washington, DC 20036-5339

In re Application of :
DEL SOLDATO, Piero *et al* :
U.S. Application No.: 10/501,335 :
PCT No.: PCT/EP03/00394 :
Int. Filing Date: 16 January 2003 :
Priority Date: 29 January 2002 :
Attorney Docket No.: 026220-00048 :
For: NEW CORTICOSTEROIDS :

DECISION

This decision is in response to the documents filed via facsimile on 21 June 2005. This is treated as a renewed petition under 37 CFR 1.47(a). No fee is required.

BACKGROUND

On 15 June 2005, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Petitioners failed to meet item (2) of 37 CFR 1.47(a). Petitioners were given two months to respond.

On 21 June 2005, petitioners submitted the instant response which was accompanied by, *inter alia*, copies of the 14 February 2005 and 29 March 2005 cover letters with accompanying English translations sent to the nonsigning inventor and his counsel, Mr. Conte.

DISCUSSION

The prior decision concluded that petitioners failed to satisfy item (2) of 37 CFR 1.47(a) with regards to showing that a complete copy of the application and declaration were received by Mr. Piero Del Soldato, or his attorney. In the renewed petition, petitioners argue that the signatures at the bottom of each of the cover letters indicate that these letters were received by Mr. Conte. A review of the letters show that next to each signature is the word *ricevuta* which means "received" in Italian and a date. Petitioners explanation is accepted.

Accordingly, petitioners have shown that the documents including a complete copy of the above-captioned application was received by the attorney of the nonsigning inventor on 15 February 2005 and 29 March 2005.

The cover letters requested that Mr. Del Soldato respond with an executed declaration within 15 days. Petitioners claim that no response has been received. This

conduct is sufficient to show a refusal pursuant to section 409.03(d) of the MPEP. Item (2) of 37 CFR 1.47(a) is now satisfied.

All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 January 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 20 May 2005.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302